

**AMENDMENTS TO THE DRAWINGS**

Figures 6A, 6B, 7A, and 7B have been amended to remove a reference numeral “17a” that was not discussed in the specification.

**REMARKS**

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-17 that were pending in the application, claims 1, 4-11 and 14-17 were rejected in the Office Action. By way of this amendment, Applicants have: (a) amended claims 1, 3, 9-11, and 13, without adding new matter; and (b) canceled claims 2 and 12. Accordingly, claims 1, 3-11, and 13-17 are respectfully presented for further consideration.

Applicants appreciate the indication of allowable subject matter in claim 2 (*i.e.*, the claim from which claim 3 previously depended) and claim 12 (*i.e.*, the claim from which claim 13 previously depended). In response to this positive indication, claims 1 and 11 have been amended to recite the limitations of claims 2 and 12, respectively, and to correct clerical issues of form. Accordingly, claims 1 and 11 should be in condition for allowance. Correspondingly, (a) claims 2 and 12 have been canceled; and (b) claims 3 and 13, which previously depended from claims 2 and 12, respectively, have been amended to depend from claim 1 and 11, respectively. As claims 3-9 depend from claim 1 and as claims 13-17 depend from claim 11, each of these dependent claims also should be in condition for allowance.

**1. Rejection of Claims 1, 4-11, and 14-17**

The Examiner rejected claims 1, 4-11, and 14-17 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,553,964 (“Arai”). This rejection is now moot with respect to claims 1, 4-9, 11, and 14-17 because claim 1 (*i.e.*, the claim from which claims 4-9 depend) and claim 11 (*i.e.*, the claim from which claims 14-17 depend) have been amended to recite the allowable limitations of claims 2 and 12, respectively. Accordingly, this rejection will be addressed, and respectfully traversed, only with respect to claim 10.

As amended, claim 10 recites a variable valve control apparatus in an internal combustion engine, that varies an open/close characteristic of an intake valve. The variable valve control apparatus includes, among other possible things (italic emphasis added):

intake side variable valve means for varying the open/close characteristic of  
said intake valve;

operating condition detecting means for detecting operating conditions of the  
internal combustion engine; and

intake valve control means being configured to:

determine a target open/close characteristic and a control speed of the  
intake valve at a time when the intake valve is controlled to  
have said target open/close characteristic, based on the  
operating conditions of the internal combustion engine, to  
control said intake side variable valve means; and

*make said control speed of the intake valve to be lower in the engine operating condition where a response of engine power torque to a change in the open/close characteristic of the intake valve is quick, as compared to the engine operating condition where the response of engine power torque to a change in the open/close characteristic of the intake valve is slow.*

As hereafter explained, Arai fails to teach or suggest such a variable valve control apparatus.

The above-italicized limitation of claim 10, which was added to claim 10 by way of this Reply and Amendment, corresponds to the limitation of claim 2 that the Examiner previously acknowledged was neither taught nor suggested in Arai. Accordingly, as amended, claim 10 is allowable for at least the same reasons that justified the previous indication of allowable subject matter in claim 2. Therefore, a withdrawal of the rejection of claim 10 under 35 U.S.C. § 102(e) is both warranted and respectfully requested.

### CONCLUSION

For the aforementioned reasons, claims 1, 3-11, and 13-17 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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Date \_\_\_\_\_

Customer Number: 22428  
FOLEY & LARDNER LLP  
3000 K Street, N.W.  
Suite 500  
Washington, D.C. 20007-5143

Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

By



Pavan K. Agarwal  
Registration No. 40,888

Frederic T. Tenney  
Registration No. 47,131

Attorneys for Applicant

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